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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/087,225

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Ajay Kumar

5681-12000

6931

7590

08/11/2006

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/087,225

Applicant(s)

KUMAR ET AL.

Examiner

Thong H. Vu

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2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-42 are pending.

***Response to Arguments***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. A Non Final is follow.

***Claim Rejections - 35 USC § 112***

3. Claim 27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

i.e.: the first application server without any second application.

Examiner interprets any server could be the first application server.

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawrence et al [Lawrence 6,889,333 B2].

Claim 27, Lawrence discloses A method comprising:

determining a subset of attributes (i.e.: a primary data set) in a client state of session data on a first application server that have been modified [Lawrence, a primary data set, col 1 lines 49-55; client-server interacting, col 4 lines 48-56; determined during the cross-validation phase is the periodicity of the updates, col 7 line 44-col 8 line 8],

wherein the session data is accessible to one or more processes executing within the application server [Lawrence, server 10A,10B, Fig 1]; and

synchronizing a primary state of session data on a distributed store with the client state according to the subset of the attributes [Lawrence, synchronize or update the primary information required to create the models, col 6 lines 48-60], wherein the primary state is accessible by a plurality of application servers including the first application server [Lawrence, a primary data set, col 1 lines 49-55; Many web sites, col 11 lines 19-27].

5. Claim 28, Lawrence discloses said determining the subset of the attributes of the session data comprises performing a binary differencing of a binary representation of the client state and a binary representation of the benchmark of the client state to locate the modified attributes [Lawrence, update the primary information allows multiple models including sub-logs, col 6 lines 47-60].

6. Claim 29, Lawrence discloses said determining the subset of the attributes of the session data comprises performing an object graph differencing of an object graph representation of the client state and an object graph representation of the benchmark of the client state [Lawrence, object and graph, Fig 6 col 9 line 57-col 10 line 9; col 11 lines 5-18].

7. Claim 30 Lawrence discloses the first application server tracking accesses of the attributes of the client state; determining a subset of the tracked accessed attributes that have been modified in the client state; and synchronizing the primary state with the client state according to the subset of the tracked accessed attributes [see rejection claim 27].

8. Claim 31, Lawrence discloses tracking accesses of the attributes of the client state comprises tracking only mutable attributes [Lawrence, mutable, data, col 1 lines 10-26].

9. Claim 32, Lawrence discloses tracking accesses of the attributes of the client state comprises tracking only mutable accesses of the attributes of the client state, wherein mutable accesses comprise write accesses of any of the attributes of the client state [Lawrence, track event, col 5 lines 4-15].

10. Claim 33, Lawrence discloses said determining the subset of the tracked accessed attributes comprises performing binary differencing of a binary representation of the tracked accessed attributes and a binary representation of the benchmark of the attributes of the client state to locate the modified tracked accessed attributes [Lawrence, track event, col 5 lines 4-15].

11. Claim 34, Lawrence discloses said determining the subset of the tracked accessed attributes comprises performing an object graph differencing of an object graph representation of the tracked accessed attributes and an object graph representation of the benchmark of the attributes of the client state to locate the modified tracked accessed attributes [Lawrence, track event, col 5 lines 4-15; object and graph, Fig 6 col 9 line 57-col 10 line 9; col 11 lines 5-18].

12. Claim 35, Lawrence discloses A tangible computer accessible medium comprising software instructions computer-executable to implement:

determining a subset of attributes in a client state of session data on an first application server that have been modified, wherein the session data is accessible to one or more processes executing within the first application server [Lawrence, a primary data set, col 1 lines 49-55; client-server interacting, col 4 lines 48-56; determined during the cross-validation phase is the periodicity of the updates, col 7 line 44-col 8 line 8];  
and

synchronizing a primary state of session data on a distributed store with the client state according to the subset of the attributes [Lawrence, synchronize or update the primary information required to create the models, col 6 lines 48-60], wherein the primary state is accessible by a plurality of application servers including the first application server [Lawrence, a primary data set, col 1 lines 49-55; Many web sites, col 11 lines 19-27].

13. Claim 1, Lawrence discloses A system, comprising:

a distributed store comprising a primary state of session data configured for access by a plurality of application servers, wherein the primary state of the session data comprises a plurality of attributes [Lawrence, a primary data set, col 1 lines 49-55; client-server interacting, col 4 lines 48-56; determined during the cross-validation phase is the periodicity of the updates, col 7 line 44-col 8 line 8];

a first one of the application servers comprising a client state of the session data, wherein the application server is configured to provide access to the client state of the session data to processes executing within the application server [Lawrence, client-server interaction, col 4 lines 48-56];

wherein the system is configured to:

compare the client state to a benchmark of the client state to determine a subset of the attributes that have been modified in the client state [Lawrence, the update arrive, the model determine from the log data and validated parameter, col 7 line 56-col 8line 9];

synchronize the primary state with the client state according to the subset of the attributes [Lawrence, synchronize or update the primary information required to create the models, col 6 lines 48-60].

14. Claim 10 Lawrence discloses A system, comprising:

a distributed store comprising a primary state of session data configured for access by a plurality of application servers, wherein the primary state of the session

data comprises a plurality of attributes [Lawrence, a primary data set, col 1 lines 49-55; client-server interacting, col 4 lines 48-56; determined during the cross-validation phase is the periodicity of the updates, col 7 line 44-col 8 line 8];

a first one of the application servers comprising a client state of the session data, wherein the application server is configured to provide access to the client state of the session data to processes executing within the application server [Lawrence, client-server interaction, col 4 lines 48-56];

wherein the system is configured to:

determine a subset of the attributes of the primary state of the session data that have been modified in the client state [Lawrence, the update arrive, the model determine from the log data and validated parameter, col 7 line 56-col 8line 9];

synchronize the primary state with the client state according the subset of the attributes that have been modified [Lawrence, synchronize or update the primary information required to create the models, col 6 lines 48-60].

15. Claim 19 Lawrence discloses A system, comprising:

a distributed store comprising a primary state of session data configured for access by a plurality of application servers, wherein the primary state of the session data comprises a plurality of attributes [Lawrence, a primary data set, col 1 lines 49-55; client-server interacting, col 4 lines 48-56; determined during the cross-validation phase is the periodicity of the updates, col 7 line 44-col 8 line 8];

a first one of the application servers comprising a client state of the session data,



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wherein the first application server is configured to provide access to the client state of the session data to processes executing within the application server [Lawrence, client-server interaction, col 4 lines 48-56];

means for determining a subset of the attributes of primary state of the session data that have been modified in the client state [Lawrence, the update arrive, the model determine from the log data and validated parameter, col 7 line 56-col 8line 9]; and

means for synchronize the primary state with the client state according to the subset of the attributes [Lawrence, synchronize or update the primary information required to create the models, col 6 lines 48-60].

16. Claims 1-9;10-18;19-26 contain the identical limitations set forth in claims 27-34. Therefore claims 1-9;10-18;19-26 are rejected for the same rationale set forth in claims 27-34.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
*Primary Examiner*  
*Art Unit 2142*

